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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,812	04/18/2005	Mikiya Yamagishi	05677/0202587-US0	3687
7278	7590	03/12/2007		
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			EXAMINER KOTTER, KIP.T	
			ART UNIT	PAPER NUMBER
			3617	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/531,812	YAMAGISHI, MIKIYA	
	Examiner	Art Unit	
	Kip Kotter	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figures 1-6, 8 and 10 are not suitable for publication. The use of shading in these figures has reduced legibility. *See* 37 CFR 1.84(m). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informality: the term “disk radial portion” should be changed to – **spoke** – to ensure consistency with art-accepted terminology.

Appropriate correction is required.

Claim Objections

3. Claims 1 and 3-8 are objected to because of the following informality: the term “disk radial portion” should be changed to – **spoke** – to ensure consistency with art-accepted terminology.

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4. Claim 7 is objected to because of the following informality: – **than** – should be inserted between “less” and “the” for grammatical clarity. Appropriate correction is required.
5. Claim 8 is objected to because of the following informality: “wheel base unit portion” in line 6 should be changed to – **wheel base unit** – for consistency and clarity.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 5 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, the term “to be” renders the claim indefinite, as it is not clear whether the shape of the disk radial portion is raised axially outward or solely capable of being raised axially outward.

Regarding claim 8, there is insufficient antecedent basis for the limitation “the disk radial portions”.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1 and 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Chase (U.S. Patent No. 5577809; previously cited and previously applied for claims 1 and 3-5).

Regarding claims 1 and 3-5, Chase discloses a vehicle wheel comprising: a wheel base unit **11** having a disk portion **18** and a rim portion **12**; and a cover **20** attached to the wheel base unit portion **11**, wherein the cover **20** has deformable narrow spoke portions **14b** (the narrow spoke portions **14b** deform when the cover **20** is attached to the wheel base unit portion **11**) for partially covering along a radial direction of the wheel, a disk radial portion **18** interconnecting the rim portion **12** and a hub attachment portion **15** to be connected to an axle, with the deformable narrow spoke portions **14b** provided with thin, deformable parts (unlabeled) covering the approximately middle part of the disk radial portion **18**, wherein the deformable narrow spoke portions **14b** of the cover **20** have an inside surface shape to come into contact with a covered surface of the outside surface of the disk radial portion **18** covered with the deformable narrow spoke portions **14b** (as shown in Fig. 4, the cover **20** is in contact with web **14a**, part of the disk radial portion **18**, near fastener **40**), wherein the deformable narrow spoke portions **14b** have side edges (at **38** in Fig. 4) to come into contact with a covered surface of the disk radial portion **18**, and the disk radial portion **18** of the wheel base unit is shaped to be raised axially outward as shown in Fig. 5.

Regarding claim 6, Chase discloses the thin, deformable part positioned so that side edge portions (edge portions of web **14a**, part of the disk radial portion **18**, form recesses **38** in Fig.

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4) of the disk radial portion on either side of the thin, deformable part are visible and extend radially outward from side edges of the thin deformable part as shown in Fig. 4.

Regarding claim 7, Chase discloses the deformable narrow spoke portion **14b** covering less than the entire surface of the disk radial portion **18** as shown in Fig. 4 wherein the edge portions of the web **14a**, part of the disk radial portion **18**, are not covered.

Regarding claim 8, Chase discloses a vehicle wheel comprising: wheel base unit **11** having a rim portion **12** and a disk portion **18**, the disk portion **18** including a hub attachment portion **15** to be attached to an axle and a disk radial portion **14a** interconnecting the rim portion **12** and the hub attachment portion **15**; and a cover **20** attached to the wheel base unit portion **11**, the cover **20** including deformable narrow spoke portions **14b** (the narrow spoke portions **14b** deform when the cover **20** is attached to the wheel base unit portion **11**) for partially covering the disk radial portions **14a** along a radial direction of the wheel while leaving part of the disk radial portions **14a** exposed as shown in Fig. 4, wherein the deformable narrow spoke portions include thin deformable parts covering approximately a middle part of the disk radial portions **14a**.

Response to Amendment

10. The 112 rejection of claim 5 has not been addressed.

Response to Arguments

11. Applicant's arguments filed February 21, 2007 have been fully considered but they are not persuasive.

The Applicant argues that the spokes in Chase entirely cover the underlying webs **14a** of the wheel. Inasmuch as “a disk radial portion” in claim 1 is undefined as being the wheel’s spokes, “a disk radial portion” can be interpreted to be the entire disk or structure between the rim and the hub.

If “a disk radial portion” is interpreted to be the entire disk, the deformable narrow spoke portions **14b** of Chase only partially cover the disk radial portion along a radial direction of the wheel.

Furthermore, if “a disk radial portion” is interpreted as the structure or spoke between the rim and hub, Fig. 4 clearly shows the deformable narrow spoke portions **14b** only partially covering the underlying webs **14a** because the side edge portions of **14a** that form recesses **38** are visible and exposed.

Moreover, Applicant argues that Chase does not suggest placing the spoke portion only in a middle part of the disk radial portion. Inasmuch as “the approximately middle part of the disk radial portion” in claim 1 is also undefined, “the approximately middle part of the disk radial portion” can be interpreted to be the approximately middle part of the entire disk or just the approximately middle part of the structure between the rim and hub, i.e., spoke.

With either interpretation, Chase discloses this limitation because the deformable narrow spoke portions **14b** cover the approximately middle part of the entire disk and each deformable narrow spoke portion **14b** covers the approximately middle part of each spoke **14a** as shown in Fig. 4.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kip Kotter whose telephone number is (571) 272-7953. The examiner can normally be reached on 9:00-4:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KTK

KTK


RUSSELL D. STORMER
PRIMARY EXAMINER 6/07